

REMARKS

This amendment is made pursuant to several phone conferences on June 5, 2008 between Examiner Thompson and the undersigned attorney. The Examiner's cooperation in those conferences is sincerely appreciated.

The present amendment deals with the problem of rewriting in independent form claims 72 and 76, which were indicated as allowable subject to being written in independent form in the Office Action of April 27, 2007. These claims were both dependent upon claim 70. Claim 70 defines "A method of determining whether a string of tubing located in a drilled bore and comprising a plurality of tubing sections defines an unobstructed throughbore of at least a selected diameter ...". Claim 72 added to the method of claim 70 the limitation of identifying the location of a restriction in the tubing sections by identifying the location of a drift member which engages a restriction in the tubing, from the proximal end of the tubing. Claim 76 adds the limitation to the method of claim 70 of determining the location of a restriction in the tubing engaged by the drift member by identifying the volume of fluid pumped into the tubing behind the drift member. Accordingly, both claims 72 and 76 deal with the situation in which the drift member encounters a restriction as it moves through the tubing. In the event the drift member does not encounter a restriction and passes fully through the tubing string, there is no need to identify the location of a restriction.

In the amendment after final submitted on April 22, 2008, claims 72 and 76 were rewritten as independent claims 110 and 111 respectively. Claim 110 included the limitation "... in the event the drift member has engaged the profile ...", and claim 111 the similar restriction "... in the event the drift member has engaged a restriction ...". These limitations were deemed necessary since claim 70 contemplates passing a drift member through a tubing string to

determine if there is a restriction. There may not be a restriction and the additional steps defined in previous claims 72 and 76 were only necessary in the event the drift member does engage a restriction. In an Advisory Action mailed May 5, 2008, the proposed amendments were not entered because they raised new issues that would require further consideration and/or a search.

In a phone conference between Examiner Thompson and the undersigned attorney following receipt of that Advisory Action, Mr. Thompson indicated that the alternative phrases were improper as defining alternatives. Accordingly, in an amendment after final transmitted to the Patent Office on May 16, 2008, the alternative limitations were removed. However, another Advisory Action was mailed on May 23, 2008 advising that the May 16 amendments raise new issues that would require further consideration because "All of the limitations indicated allowable are not present in the new claims, and as such require further search and consideration." In the phone conferences with the Examiner on June 5, 2008, the undersigned attorney pointed out the need for these alternative limitations and cited MPEP 2173.01 stating "Applicant may use ... alternative expressions ... or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought."

It is respectfully submitted that the alternative expressions are necessary and proper in this case. It is the undersigned attorney's intention merely to write claims 72 and 76 in independent form, and if the Examiner finds the presently submitted claims objectionable, it is respectfully requested that the Examiner phone the undersigned attorney at the indicated phone number so that the claims may be changed into proper form for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

By 

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